



October 14, 2014

Re: Senate Bill 508, House Bill 2533

Dear Senator:

We are writing with concerns about Senate Bill 508 and House Bill 2533, bills that would authorize civil actions against offenders who engage in conduct that “perpetuates the continuing effect of the crime on the victim.”

The PNA is the statewide trade association for print and digital news media, with more than 300 newspaper, online news publications and media-related organizations as members.

Although we certainly understand the concerns that led to the introduction of these bills, we believe they raise significant constitutional issues and must be carefully considered before any further action is taken.

As you know, these bills allow crime victims to bring civil actions against an offender for “conduct which perpetuates the continuing effect of the crime on the victim.” “Conduct which perpetuates the continuing effect of the crime on the victim” is defined as anything that causes a temporary or permanent state of mental anguish. As written, these bills could prevent a person convicted of a crime from speaking to a journalist or others in a way that improperly infringes on First Amendment protections.

There is no doubt that Pennsylvania has an interest in protecting the victims of crimes. However, we believe that the bills as written are a prior restraint on speech, subject to the strictest constitutional standards. The restrictions are also content-based and, in our view, unlikely to survive a constitutional challenge, costing the Commonwealth significant time and resources.

Other states that have passed related legislation, also called ‘Son of Sam’ laws, have seen courts limit or strike them down as constitutionally infirm. See, e.g., *Simon & Schuster, Inc. v. Members of the New York State Crime Victims Bd.*, 502 U.S. 105 (1991).

We urge you to reconsider this bill and would greatly appreciate the opportunity to speak in more detail about our concerns. Thank you in advance for your careful consideration of this difficult issue.

Sincerely,

Paula K. Knudsen
Legislative Counsel